

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

**LINDA M. LESLIE, Regional Director of the
Third Region of the National Labor Relations
Board, for and on behalf of the
NATIONAL LABOR RELATIONS BOARD,**

Petitioner,
v.

STARBUCKS CORPORATION,
Respondent.

Case No. 1:22-cv-00478-JLS

STATUS REPORT OF RESPONDENT STARBUCKS CORPORATION

Pursuant to the Court’s March 22, 2023, order, Starbucks Corporation (“Starbucks”) submits this status report.

1. Workers United’s petition for a writ of mandamus in *In Re: Workers United* (23-120) and Petitioner’s petition for an injunction under the All Writs Act in *In Re: National Labor Relations Board* (22-3229) were consolidated on February 14, 2023, and remain pending before the Court of Appeals for the Second Circuit.

2. On March 1, 2023, Administrative Law Judge (“ALJ”) Rosas issued his administrative decision in National Labor Relations Board (“NLRB”) Case No. 03-CA-285671, *et al.* In his decision, ALJ Rosas found violations of the National Labor Relations Act. Starbucks is preparing an appeal (exceptions) to the NLRB. ALJ Rosas’s decision does not significantly impact the status of this case because “Congress has instructed this Court to review the decisions of the Board, not those of Administrative Law Judges.” *Local 259, United Automobile, Aerospace & Agricultural Implement Workers v. Nat'l Labor Relations Bd.*, 776 F.2d 23, 27 (2d Cir. 1985). On reasonable cause, the Court owes “no special deference” to an administrative law judge’s

“inferences and conclusions that do not hinge upon findings of credibility.” *Id.* (citations omitted).

The Court owes no deference to the NLRB at all with respect to whether injunctive relief is just and proper.

Dated: April 5, 2023

Respectfully submitted,

/s/ David A. Kadel

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